

Town Board Minutes

**Meeting
No. 6**

Special Meeting

February 23, 1998

Town Board Minutes

**Meeting
No. 7**

Regular Meeting

February 23, 1998

MEETINGS TO DATE 6
NO. OF REGULARS 3
NO. OF SPECIALS 3

LANCASTER, NEW YORK
FEBRUARY 23, 1998

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 23rd day of February 1998, at 6:30 P.M. and there were

PRESENT:

ROBERT GIZA, SUPERVISOR
DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
FRANK DE CARLO, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
DAVID MARRANO, PLANNING BOARD CHAIRMAN
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT:

REBECCA ANDERSON, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ALSO PRESENT:

ROBERT THILL, TOWN CLERK
ROBERT LANEY, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
GARDEN PLACE HOTEL SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Garden Place Hotel site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
GARDEN PLACE HOTEL SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.75 acres.

The location of the premises being reviewed is situate on the east side of Transit Road, north of Ellicott Creek, opposite the Thruway entrance.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
No adverse effects noted
 - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No adverse effects noted
 - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No adverse effects noted
 - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No adverse effects noted
 - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No adverse effects noted
 - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No adverse effects noted
 - C.7 Other impacts (including changes in use of either quantity or type of energy).
No adverse effects noted
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

February 23, 1998

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

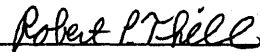
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

February 23, 1998

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:40 P.M.


Robert P. Thill, Town Clerk

MEETINGS TO DATE 7
NO. OF REGULARS 4
NO. OF SPECIALS 3

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LANCASTER, NEW YORK
FEBRUARY 23, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 23rd day of February 1998 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:05 P.M. to deliberate in Executive Session for the announced purpose of discussing a personnel matter.

At 10:50 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Conflicts between the Town Board and School Board Meeting nights.
- Status of a report from Chief Fowler on LVAC response.

Gull, Henry, 710 Pavement, spoke to the Town Board on the following matter:

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- Litter from the Tops Distribution site blowing off the site onto neighboring properties.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Asked questions about prefiled resolutions numbers 1 and 15.

Rego, Art, 37 Hemlock Lane, spoke to the Town Board on the following matter:

- Time allotted to persons wishing to address the Town Board. Suggested that the Town Board hold a separate meeting each month just to hear the concerns of the public.

Stanko, John, 10 Pleasant View Drive, spoke to the Town Board on the following matter:

- Time allotted to persons wishing to address the Town Board.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed amendment Chapter 50-Zoning, Article VIII, Section (C) (6) of the Code of the Town of Lancaster entitled Site Plan Review.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:34 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK. TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on February 2, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

PREFILED RESOLUTION NO. 2 - MEETING OF 2/23/98

2. Giza/ _____ Permit Robert Giroux To Carry Over 1997 Vacation Time To
1998 Service Year

At the request of Supervisor Giza, this resolution was withdrawn for further
study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MILLER. , TO WIT:

WHEREAS, Dana Warman, PO Box 865, Buffalo New York 14213, has
applied to the Town Board of the Town of Lancaster for permits to construct Public
Improvements upon real property in the Town of Lancaster within Walnut Creek Subdivision,
Phase II, Part 1.

WHEREAS, the Town Engineer of the Town of Lancaster has certified
on the following permit applications that he has reviewed the improvement plans and permit
applications for the installation of the public improvements requested, and that they conform to
the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 477, 478 and
479 of Dana Warman, PO Box 865, Buffalo, New York 14213, for the installation of:

P.I.P. No. 477 (Pavement & Curbs)	1693 LF of Road with 3285 LF of upright curb and underdrain.
P.I.P. No. 478 (Water Line)	1702 LF 8" PVC Pipe, 2-Hydrants, 1 - 8x8 Tee, and 3 - 8" Gate Valves.
P.I.P. No. 479 (Storm Sewer)	173 LF of 12" of 12" HPDE Pipe, 90 LF 12" RCP Pipe, 418 LF of 6" PVC Pipe, 6 Road Receivers, 3 Rear Yard Receivers, and 4 Backyard Drains.

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File:RPIP (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL MEMBER
MILLER , TO WIT:

WHEREAS, C.M.H. Co., Inc., 2067 Old Union Road, Cheektowaga, New York
14227, contractor for the Town of Lancaster Water System Improvements, Phase II, has submitted
Change Order No. 1 in the amount of \$7,316.95 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated February 11, 1998, has recommended
such change order.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 1 to according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER:

1. 85 linear feet of 24" CMP storm pipe installation at Pleasant View and Transit Roads.
2. Torch and saw cut existing 48" casing pipe to expose existing 24" watermain.
Maintenance and protection of traffic for work required to tap in new main to existing
24" watermain at Pleasant View and Tranist Roads.
3. Installation of magnesium anode at each bore location as per ECWA request.
4. Installation of new fire hydrant, tee and valve assembly at Bowmansville Fire Hall.
5. 90 day contract extension request to contract time.

CHANGE ORDER NO. 1:

The original Contract sum was \$513,425.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was \$513,425.00
The Contract Sum will be increased by this Change Order in
the amount of 7,316.95
The new Contract Sum increased including this Change Order
will be \$520,741.95

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change
order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: RCHANGE.ORD (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has been operating the Town of Lancaster Fire Dispatch Service at the Lancaster Town Police Base Station, and

WHEREAS, the Town of Alden and Town of Lancaster have heretofore entered into a Joint Service Agreement for fire dispatch service to be provided to the Town of Alden, pursuant to §119-o of the General Municipal Law of the State of New York, which Agreement expired at the end of calendar year 1997, and

WHEREAS, pursuant to said Agreement, fire dispatch service is being provided through the Town of Lancaster Police Base Station to the fire departments of the Village of Alden, Millgrove Volunteer Fire Department, Town Line Volunteer Fire Department and Crittenden Volunteer Fire Company, and

WHEREAS, the Town of Lancaster has been furnished a renewal Joint Service Agreement between the Town of Lancaster, Town of Alden and also now includes the Village of Alden as a signatory party, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the Town of Lancaster deems it in the public interest to renew this Joint Service Agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized and directed to execute the Joint Service Agreement for Fire Dispatch Service to be provided by the Town of Lancaster to the Town of Alden and Village of Alden on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster Disaster Coordinator, George MacPeck, has informed the Town Board of the Lancaster Central School District arrangement under a Disaster Plan to house town residents in the schools in emergency situations, and

WHEREAS, the School District has requested that the Town make town buildings available on a temporary basis to house students in an emergency situation, and

WHEREAS, the Town Board, after due review and consideration, deems it in the public interest to provide for housing students temporarily where an emergency situation arises:

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the use of Town buildings by the Lancaster Central School District to house students on a temporary basis where an emergency situation arises and further authorizes the Supervisor of the Town of Lancaster to work out the details of such an emergency plan with the Town's Disaster Coordinator.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: rdisastr

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 1998, pursuant to the requirements of the Highway Law of the State of New York, and

WHEREAS, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent:

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: rhwyfnds

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

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WHEREAS, a Public Hearing was held on the 23rd day of February, 1998, for
the purpose of amending Chapter 50-Zoning Article VIII, §50-43 (C)(6) of the Code of the
Town of Lancaster, as follows:

§50-43.

Site Plan Review

.....

C. Site Plan Review

.....

(6) Town Board Proceedings

(a)

(b) If the site plan is approved, no topsoil removal, excavation,
filling, grubbing, grading or stripping shall be commenced
without a determination by the Town Engineer and Building
Inspector that said activities will not create problems with
erosion, sediment, dust control and drainage, including
ponding of water."

and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, persons for and against such amendment have had an opportunity o
be heard:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 50-Zoning, Article VIII, §50-43 (C)(6) of the Code of the
Town of Lancaster, County of Erie and State of New York, be and hereby is amended;
2. That said amendment be added in the minutes of the meeting of the Town
Board of the Town of Lancaster held on the 23rd day of February, 1998;
3. That a certified copy of this amendment be published in the Lancaster Bee
on February 26, 1998;
4. That a certified copy of this Amendment be posted on the Town Bulletin
Board; and
5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: Rzondorda.98

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT OF CHAPTER 50 ZONING**

LEGAL NOTICE IS HEREBY GIVEN that Chapter 50-Zoning, Article VIII, §50-43 (C) (6) of the Code of the Town of Lancaster, County of Erie, State of New York, be and is hereby amended by adding thereto, the following:

§50-43. Site Plan Review

.....

C. Site Plan Review

(6) Town Board Proceedings

(a)

- (b)** If the site plan is approved, no topsoil removal, excavation, filling, grubbing, grading or stripping shall be commenced without a determination by the Town Engineer and Building Inspector that said activities will not create problems with erosion, sediment, dust control and drainage, including ponding of water."

February 23, 1998

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

This is to certify that I, **ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 23rd day of February, 1998, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 24th day of February.


Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, GARDEN PLACE, INC., d/b/a/Garden Place Hotel, has
submitted a Site Plan dated January 20, 1998 and received January 28, 1998 for the construction
of a 15,580 s.f. addition to its existing hotel facility located on its premises at in the Town of
Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and

WHEREAS, a SEQR review was conducted on this project on February 23,
1998, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the
Site Plan prepared by Daryl K. Martin, Architect, dated January 20, 1998, and received on
January 28, 1998, for construction of a 15,580 s.f. addition to its hotel facility located at
6615 Transit Road in the Town of Lancaster subject to the following condition:

That the petitioner shall be responsible for the installation of an eight (8") inch
water line and hydrant on the south property lined of the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: rnsite.3.298

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Town of Lancaster has received a request Sprint Spectrum to permit a co-location by Nextel on the telecommunications tower on town-owned property under lease to Sprint, and

WHEREAS, the Lease Agreement provides that co-locaters may be placed on the tower only after the proposed co-locater has negotiated an Agreement with the Town for the co-location, and

WHEREAS, the Town has reached an Agreement with Nextel for co-location on the Sprint Tower by which Agreement Nextel will pay the Town for the right to co-locate,

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Supervisor of the Town of Lancaster is hereby authorized to execute the Agreement as negotiated with Nextel for co-location on the Sprint Tower, and
2. Sprint shall be permitted to accept the co-location of Nextel on the Sprint Telecommunications Tower located at 5045 Transit Road, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER , TO WIT:

WHEREAS, Elliott Laksy, Windsor Ridge Ltd. Partners, 501 John James Audubon Parkway, Amherst, New York 14228 has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Windsor Ridge Subdivision, Phase III(a),

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 480, 481 and 482 of Elliott Lasky, Windsor Ridge Ltd. Partners, 501 John James Parkway, Amherst, New York 14228, for the construction on Windcroft Lane of:

P.I.P. No. 480 (Water Line)	2,125± L.F. of 8" PVC waterline pipe. 80± L.F. of 8" DI Pipe. 4 ea. Hydrant assys. 6 each 8" valves.
P.I.P. No.481 (Storm Sewer)	330 ± L.F. of 15" HDPE pipe. 1,122± L.F. of 12" HDPE pipe. 120± L.F. of 12" RCP. 4 each storm MH's. 7 each rcvrs. 3 each LD rcvrs. 6 each BY rcvrs. 492± L.F. of 6" PVC pipe. 168± L.F. of 24" HDPE pipe.
P.I.P. No. 482 (Pavement and Curb)	4,250 ± L.F. by 28' wide AC pavement with up-right curb.

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File:RPIP

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council a grant for the period January 1, 1998 through December 31, 1998 in the amount of \$3,136.00 to fund the operation of a substance abuse program, and

WHEREAS, the Town Board has authorized the Supervisor to enter into a contract with the New York State Office of Alcoholism and Substance Abuse Services for the amount of \$3,136.00, and

WHEREAS, the Town Board desires to enter into a contract with the New York State Office of Alcoholism Services for the amount of \$3,136.00;

NOW, THEREFORE, BE IT

RESOLVED, that Robert H. Giza, Supervisor of the Town of Lancaster is hereby authorized to enter into a contract with the New York State Office of Alcoholism and Substance Abuse Services in the amount of \$3,136.00 to continue operation of a substance abuse program through the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the New York State Education Department has awarded the Board of Cooperative Educational Services (BOCES) a grant for the period September 7, 1997 to September 7, 1998, in the amount of \$3,000.00 to fund the Town of Lancaster, to assist in the operation of a Youth Volunteer program through the Town of Lancaster Youth Bureau, and

WHEREAS, the Town Board desires to enter into a contract with BOCES for the amount of \$3,000.00;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Robert H. Giza, Supervisor of the Town of Lancaster is authorized to enter into a contract with BOCES in the amount of \$3,000.00 to continue a Youth Volunteer Program through the Town of Lancaster Youth Bureau.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: ryouvol.298

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated February 19, 1998, has recommended the appointment of **Caryn Brown and Ilia Beecher** to the position of Tutors with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that **CARYN BROWN**, 827 Borden Road, Cheektowaga, New York 14227, and **ILIA BEECHER**, 86 Mumford Street, Buffalo, New York 14220 be and are hereby appointed to the position of Tutors with the Town of Lancaster Youth Bureau, effective February 23, 1998 at an hourly salary of \$9.00, and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 554 to Claim No. 881 Inclusive

Total amount hereby authorized to be paid: **\$ 925,355.44**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized.

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4705	Sunrise Builders, Inc	12 Hunters Dr	Er. Sin. Dwlg
4706	Ryan Homes	39 Michael Anthony Ln	Er. Sin. Dwlg
4707	Ryan Homes	79 Michael Anthony Ln	Er. Sin. Dwlg
4708	Forbes Homes Inc	49 Creekwood Dr	Er. Sin. Dwlg
4709	Sunrise Bldrs Inc	37 Michael Anthony Ln	Er. Sin. Dwlg
4710	Craig Blamowski	144 Belmont Ave	Er. Deck
4711	Forbes Homes Inc	37 Hillside Pkwy	Er. Sin. Dwlg

and.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner, and

BE IT FURTHER

RESOLVED, that effective January 20, 1998, Local Law No. 1 of 1998 as it pertains to the Public Safety Impact Fee will be enacted with the issuance of future building permits.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File:Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, ROBERT L. LANEY, the Building and Zoning Inspector of the Town of Lancaster, by letter dated February 20, 1998, has requested permission to carry over his ninety-one (91) hours vacation time accrued which he cannot take by his anniversary date of February 27, 1998,

NOW, THEREFORE, BE IT

RESOLVED, that **ROBERT L. LANEY**, the Building and Zoning Inspector of the Town of Lancaster, shall be permitted to carry over his ninety-one (91) hours vacation time to his 1998 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

FILE: RPERS.VAC (P5)

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, Donald Gallo, Consulting Engineer, has submitted a proposal dated February 20, 1998, for surveying a parcel of property adjacent to Westwood Park, in the Town of Lancaster, and

WHEREAS, the Town Board, after review and discussion, deems it to be in the public interest to retain Donald Gallo to perform the beforementioned survey;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby retains Donald Gallo, Consulting Engineer, for the purpose of surveying certain property adjacent to Westwood Park in the Town of Lancaster, the fee for these services shall not exceed \$3,900.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 1998

File: rsvywwpk

COMMUNICATIONS:

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84. Police Chief to Planning Board Chairman -
Conveyance of no objections to site plan for The Garden Place Hotel addition.
DISPOSITION = Received and Filed
85. Council Member Montour to Supervisor -
Advisement of telephone call about alleged encroachment of certain items by salvage yard on owners right-of-way. DISPOSITION = Received and Filed
86. Town Clerk to Supervisor -
Transmittal of Town Clerk's monthly report for January 1998. DISPOSITION = Received and Filed
87. President of CSEA White Collar Union to Supervisor -
Approval of union on the request for carry-over on vacation time for Robert Giroux.
DISPOSITION = Received and Filed
88. Town Clerk to Various Media -
Notice of SEQR review meeting for Garden Place Hotel to be held on 2/23/98. DISPOSITION = Received and Filed
89. General Crew Chief to Supervisor -
Agrees to be contact person regarding the housing of students in Town buildings in case of an emergency situation. DISPOSITION = Received and Filed
90. Director of Physical Education and Athletics, Lancaster High School, to Supervisor -
Letter of appreciation for Town for providing traffic control during football season..
DISPOSITION = Received and Filed
91. Congressmen Quinn to Town Clerk -
Offer of thanks for help in coordination of 1998 OUTREACH Program with transmittal of date schedule of locations. DISPOSITION = Received and Filed
92. Town Safety Coordinator to all Fire Department Chiefs -
Notice of a Back Injury Reduction Program for all Town employees, including Fire Department members with request for submittal of interested participants. DISPOSITION = Received and Filed
93. Town Engineer to Town Board -
Results of inspection of road site ditch on stony Road and outfall from detention ponds at the Tops Distribution Center. DISPOSITION = Received and Filed
94. David Rucker to Supervisor -
Reiteration of complaint with the lighting at Twin District Fire Hall. DISPOSITION = Received and Filed
95. Town Attorney to Town Assessor -
Comments re: tax certiorari proceeding pertaining to validity of assessments set in the Tops Article 7 proceeding. DISPOSITION = Received and Filed
96. Town Attorney to Donald P. Chiari, Esq. -
Transmittal of Verified Answer in the matter of Casper v. Town of Lancaster.
DISPOSITION = Received and Filed
97. Town Attorney to Weydman Electric Inc. -
Advisement re: resolution awarding bid for completion of Uninterruptible power source project in the Town of Lancaster Police Station. DISPOSITION = Received and Filed
98. Town Attorney to Peter E. Klassesz, Esq. -
Reply regarding Robert Deutschlander and a proposed easement to the Town . DISPOSITION = Received and Filed
99. Adelphia Cable to Supervisor -
Transmittal of newsletter *Adelphia Connection* introducing new products and services.
DISPOSITION = Received and Filed
100. Planning Board to Town Board -
Transmittal minutes of meeting of 2/4/98. DISPOSITION = Received and Filed
101. Planning Board to Town Board -
Due to split vote of members, no recommendation re: Garden Place Hotel site plan.
DISPOSITION = Received and Filed

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102. Building Inspector to Town Board -
Request assistance re: issuance of a Temporary Certificate of Occupancy for Casey Machine Co., Inc. DISPOSITION = Received and Filed
 103. Town Attorney to Town Engineer -
Request easement description and survey of Convenient Mart property. DISPOSITION = Received and Filed
 104. Town Attorney to Town Board -
Appraisement that Fourth Department has granted Order permitting the consolidation of several appeals from Judge Notaro re: AHEPA matter. DISPOSITION = Received and Filed
 105. Building Inspector to Town Attorney -
Results of inspection of Garden Place Hotel addition. DISPOSITION = Received and Filed
 106. Town Engineer to Town Board -
Transmittal of Change Order No. 1 re: Water Systems Improvement, Phase II with recommendation of payment. DISPOSITION = Received and Filed
 107. NEST to Supervisor -
Press release re: joint effort of certain towns and villages to take control of their solid waste stream and their community budgets. DISPOSITION = Received and Filed
 108. Police Chief to Noco Corp. -
Expression of thanks in assisting Town and Lancaster School District in obtaining gasoline for months of June-August 1998 when Lancaster School District fuel system will be out of service. DISPOSITION = Received and Filed
 109. Sharon Szymanski to Supervisor -
Expression of gratitude for looking into matter of property tax exemptions for persons with disabilities. DISPOSITION = Town Attorney
 110. Disaster Coordinator to Supervisor -
Comments re: disaster emergency housing of students. DISPOSITION = Received and Filed
 111. Metro Community News (2/8/98) -
Article entitled "*Lancaster reaches agreement with communication firms*". DISPOSITION = Received and Filed
 112. Morris, Cantor, Barnes, Goodman & Furlong to Supervisor and Police Chief -
Notification that Buffalo Building and Construction Trades Council, AFL-CIO will resume silent testimonial walking in the Hillside Estates area with the onset of nicer weather. DISPOSITION = Received and Filed
 113. Tops Markets, Inc. to Supervisor -
Transmittal of check for new "Town crest" plaque for Town Board Room wall. DISPOSITION = Received and Filed
 114. Bowmansville VFA to Planning Board Chair. -
Concerns re: Garden Place Hotel addition fire service. DISPOSITION = Received and Filed
 115. Town Clerk to Town Board -
Transmittal of Special Use Permit application filed by M/M Kenneth Benson for premises situate at 124 Pavement Road. DISPOSITION = Town Attorney
 116. Council Member Montour to Dep Commissioner of Highways and ECDEP -
Proposal for bike path on Pleasant View Drive. DISPOSITION = Received and Filed
 117. Executive Director of Youth Bureau to Supervisor -
Recommendation the appointment of Caryn Brown Ilia Beecher as tutors. DISPOSITION = Received and Filed
 118. Planning Board to Town Board -
Transmittal of minutes of meeting of 2/18/98. DISPOSITION = Received and Filed
 119. Buffalo News -
Article entitled *Star error driving assessors 'crazy'*. DISPOSITION = Received and Filed
 120. The Assembly of the State of New York to Supervisor -
Notice of Meeting re: funding the relocation of the Williamsville Toll Barrier. - DISPOSITION = Received and Filed
 121. NYS Governor to New York State Residents -
Comments re: NYS *Star Program*. DISPOSITION = Received and Filed

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122. David J. Olek to Supervisor -
Addendum to Sprint's Lease Agreement to enlarge area to permit Nextel Communications to co-locate on Sprint's tower on Hayes Ave. DISPOSITION = Received and Filed
123. Mach Architecture + Engineering to Supervisor -
Letter of introduction to new name, Mach Architecture + Engineering, p.c. formerly Stieglitz Stieglitz Mach, p.c. (SSM). DISPOSITION = Received and Filed
124. Erie County Legislature Chairman to Supervisor -
Invitation to membership and participation on the Erie County Legislature's County-Municipal Regionalism Committee. DISPOSITION = Received and Filed
125. Highway Superintendent to Town Board -
Letter re. Permanent structures in town right-of-way. DISPOSITION =Public Safety Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10 :50 P.M.

Signed

Robert P. Thill
Robert P. Thill